

1 A bill to be entitled
2 An act relating to onsite sewage treatment and disposal
3 systems; amending s. 381.0065, F.S.; requiring owners of
4 onsite sewage treatment and disposal systems to have such
5 systems periodically inspected; providing an exception;
6 directing the Department of Health to administer an onsite
7 sewage treatment and disposal system inspection program;
8 requiring the department to adopt rules implementing
9 program standards, procedures, and requirements; requiring
10 system owners to pay the costs of required inspections and
11 pump-outs; requiring inspections and pump-outs to be
12 performed by registered septic tank or master septic tank
13 contractors; providing notice requirements; providing
14 definitions; creating s. 381.00656, F.S.; requiring the
15 department to administer a grant program to assist owners
16 in the repair of specified onsite sewage treatment and
17 disposal systems; providing eligibility and program
18 requirements; authorizing the department to prioritize
19 applications; requiring the department to adopt rules;
20 requiring the department to seek to award grants in each
21 fiscal year to the extent of funds available and to carry
22 forward excess funds; amending s. 381.0066, F.S.; revising
23 the fees for application review, permit issuance, or
24 system inspection of onsite sewage treatment and disposal
25 systems; establishing fees for the filing of onsite sewage
26 treatment and disposal system inspection reports;
27 providing for deposit and use of the fees collected;
28 amending s. 489.557, F.S.; revising the fees for septic

29 tank contractor and master septic tank contractor
 30 registrations; providing for deposit and use of the fees
 31 collected; providing an effective date.

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 33 Be It Enacted by the Legislature of the State of Florida:

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 35 Section 1. Subsection (5) of section 381.0065, Florida
 36 Statutes, is redesignated as subsection (6), and a new
 37 subsection (5) is added to that section to read:

38 381.0065 Onsite sewage treatment and disposal systems;
 39 regulation.--

40 (5) PERIODIC INSPECTIONS.--

41 (a) Effective July 1, 2013, the owner of an onsite sewage
 42 treatment and disposal system, excluding a system that is
 43 required to obtain an operating permit, shall have the system
 44 inspected at least once every 5 years to assess the fundamental
 45 operational condition of the system, prolong the life of the
 46 system, and identify any failure within the system. The
 47 department shall administer an onsite sewage treatment and
 48 disposal system inspection program for that purpose and shall
 49 adopt rules implementing the program standards, procedures, and
 50 requirements, including, but not limited to, a schedule for a 5-
 51 year inspection cycle; a county-by-county implementation plan
 52 phased in over a 10-year period with first priority given to
 53 those areas within a springshed protection area identified by
 54 the Department of Environmental Protection; minimum standards
 55 for a functioning system; requirements for the pump-out or
 56 repair of a failing system; and enforcement procedures for

57 failure of a system owner to obtain an inspection of the system
58 and failure of a contractor to timely report inspection results
59 to the department and the system owner.

60 (b) The department's Procedure for Voluntary Inspection
61 and Assessment of Existing Systems shall be applied to
62 inspections under this subsection, except as otherwise provided.
63 All inspection procedures used by an inspector must be
64 documented and nothing in this subsection limits the amount of
65 detail an inspector may provide at his or her professional
66 discretion. The inspection must include a tank inspection, a
67 drainfield inspection, and a written assessment of the condition
68 of the system, and, if necessary, a disclosure statement
69 pursuant to the department's procedure.

70 (c) If documentation of a tank pump-out or a permitted new
71 installation, repair, or modification of the system within the
72 previous 3 years is provided, which states the capacity of the
73 tank and indicates that the condition of the tank is not a
74 sanitary or public health nuisance pursuant to department rule,
75 a pump-out of the system is not required.

76 (d) Owners are responsible for paying the cost of the
77 inspection and any required pump-out pursuant to department rule
78 and may not request partial inspections or the omission of
79 portions of the inspection.

80 (e) Each inspection or pump-out required under this
81 subsection must be performed by a septic tank contractor or
82 master septic tank contractor registered under part III of
83 chapter 489.

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84 (f) Prior to any inspection deadline, the department must
85 provide a minimum of 60 days' notice to owners that their
86 systems must be inspected by that deadline. The notice must
87 include a provision which states that the purpose of the
88 inspection is to assess the fundamental operational condition of
89 the system, prolong the life of the system, and identify any
90 failure within the system, and not to determine code compliance,
91 require a complete upgrade or overhaul of a system to meet
92 current code requirements, or demonstrate that the system will
93 adequately serve the use to be placed upon it by the current or
94 any subsequent owner. The department must include a copy of the
95 Procedure for Voluntary Inspection and Assessment of Existing
96 Systems and information about the grant program established
97 pursuant to s. 381.00656 with the notice.

98 (g) As used in this subsection:

99 1. "Failure" or "failing" means a condition that exists
100 within an onsite sewage treatment and disposal system that
101 prohibits the system from functioning in a sanitary manner and
102 results in the discharge of untreated or partially treated
103 wastewater onto the surface of the ground or into surface waters
104 or groundwaters or results in the failure of building plumbing
105 to discharge properly. For the purposes of this subsection, a
106 system may not be deemed in failure solely because the system
107 does not have the minimum separation distance between the
108 drainfield and groundwater table.

109 2. "Repair" means any replacement of or modification or
110 addition to a failing system which is necessary to allow the
111 system to function in accordance with its design or is necessary

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112 to eliminate a public health or pollution hazard, including the
 113 use of any treatment method that is intended to improve the
 114 functioning of any part of the system or to prolong or sustain
 115 the length of time the system functions, excluding:

116 a. The service or replacement of mechanical or electrical
 117 parts of an approved onsite sewage treatment and disposal system
 118 with like kind and quality parts.

119 b. Any minor structural corrections to a tank or
 120 distribution box.

121 c. The use of an authorized additive in indoor building
 122 plumbing by the system owner.

123 d. The removal of the contents of any tank or the
 124 installation of an approved outlet filter device without
 125 disturbing the drainfield.

126 e. The replacement of any broken tank lid.

127 f. The splicing of a drip emitter line, provided the
 128 emitter is not eliminated.

129 Section 2. Section 381.00656, Florida Statutes, is created
 130 to read:

131 381.00656 Grant program for repair of onsite sewage
 132 treatment and disposal systems.—Effective July 1, 2013, the
 133 department shall administer a grant program to assist owners of
 134 failing onsite sewage treatment and disposal systems identified
 135 pursuant to s. 381.0065 or the rules adopted thereunder. A grant
 136 under the program may be awarded to an owner only for the
 137 purpose of repairing a failing system serving a single-family
 138 residence occupied by an owner with a family income of less than
 139 or equal to 200 percent of the federal poverty level at the time

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140 of application. When possible, program grants shall be used to
141 install or modify nongravity onsite sewage treatment and
142 disposal systems. The department may prioritize applications for
143 an award of grant funds based upon the severity of a system's
144 failure, its relative environmental impact, the income of the
145 family, or any combination thereof. The department shall adopt
146 rules establishing the grant application and award process,
147 including an application form. The department shall seek to make
148 grants in each fiscal year equal to the total amount of grant
149 funds available, with any excess funds used for grant awards in
150 subsequent fiscal years.

151 Section 3. Paragraph (a) of subsection (2) of section
152 381.0066, Florida Statutes, is amended, and paragraph (m) is
153 added to that subsection, to read:

154 381.0066 Onsite sewage treatment and disposal systems;
155 fees.—

156 (2) The minimum fees in the following fee schedule apply
157 until changed by rule by the department within the following
158 limits:

159 (a) Application review, permit issuance, or system
160 inspection, including repair of a subsurface, mound, filled, or
161 other alternative system or permitting of an abandoned system: a
162 fee of not less than \$25, or more than \$125, plus an additional
163 \$5. The additional \$5 collected pursuant to this paragraph shall
164 be used to fund the grant program established under s.
165 381.00656.

166 (m) Filing an inspection report under s. 381.0065(5): a
167 fee of not less than \$75, or more than \$150. Twenty-five percent

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168 of the fee collected pursuant to this paragraph shall be used to
169 fund the grant program established under s. 381.00656.

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171 The funds collected pursuant to this subsection must be
172 deposited in a trust fund administered by the department, to be
173 used for the purposes stated in this section and ss. 381.0065
174 and 381.00655.

175 Section 4. Paragraphs (a) and (b) of subsection (1) of
176 section 489.557, Florida Statutes, are amended to read:

177 489.557 Fees, establishment.—

178 (1) The department shall, by rule, establish fees as
179 follows:

180 (a) For septic tank contractor registration:

181 1. Application and examination fee: not less than \$25 or
182 more than \$75.

183 2. Initial registration fee: not less than \$50 or more
184 than \$100, plus an additional \$50. The additional \$50 collected
185 pursuant to this subparagraph shall be used to fund the grant
186 program established under s. 381.00656.

187 3. Renewal of registration fee: not less than \$50 or more
188 than \$100, plus an additional \$50. The additional \$50 collected
189 pursuant to this subparagraph shall be used to fund the grant
190 program established under s. 381.00656.

191 (b) For master septic tank contractor registration:

192 1. Application and examination fee: not less than \$25 or
193 more than \$75.

194 2. Initial registration fee: not less than \$50 or more
195 than \$100, plus an additional \$50. The additional \$50 collected

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196 pursuant to this subparagraph shall be used to fund the grant
197 program established under s. 381.00656.

198 3. Renewal of registration fee: not less than \$50 or more
199 than \$100, plus an additional \$50. The additional \$50 collected
200 pursuant to this subparagraph shall be used to fund the grant
201 program established under s. 381.00656.

202 Section 5. This act shall take effect July 1, 2010.